IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 977 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

VASANTBEN RAMESHCHANDRA TRIVEDI

Appearance:

MR HEMANT S SHAH for Petitioner No. 1

RULE SERVED for Respondent No. 1-3,6-7

RULE SERVED BY DS for Respondent No. 4

RULE UNSERVED for Respondent No. 5

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 23/06/2004

ORAL JUDGEMENT

1. Learned Advocate for the petitioner seeks

permission to delete Opponent No.5 Driver of one of the vehicle involved in the accident. Permission granted. Opponent No.5 is directed to be deleted as party to this Application.

2. Heard learned Advocate Mr. Shah for the applicant while rule is served to Opponents No. 1, 2, 3, 4, 6 and 7.

3. This application is filed under Section 24 of the Code of Civil Procedure for transfer of Motor Accident Claim Petition 349 of 1998 pending before the Motor Accident Claims Tribunal at Ahmedabad (Rural) to Motor Accident Claims Tribunal, Ahmedabad (City Civil Court). For granting the request made by this Application, only ground is sufficient that other allied Motor Accident Claim Petitions, as mentioned in para-2 of the application, are filed before Motor Accident Claims Tribunal at Ahmedabad (City Civil Court) and have found ripe for final hearing to the extent that evidence is also started to be recorded. In this view of the matter, it would be just and proper to transfer Motor Accident Claim Petition No.349 of 1998 from Motor Accident Claims Tribunal, Ahmedabad (Rural) to Motor Accident Claims Tribunal, Ahmedabad (City Civil Court).

3. Accordingly, this Application is allowed. The Motor Accident Claim Petition No.349 of 1998 pending before the Motor Accident Claims Tribunal, Ahmedabad (Rural) is hereby ordered to be transferred to Motor Accident Claims Tribunal, Ahmedabad (City Civil Court). Motor Accident Claims Tribunal at Ahmedabad (Rural) is further directed to transmit Record and Proceedings of said Motor Accident Claim Petition No.349 of 1998 immediately to Motor Accident Claims Tribunal at Ahmedabad (City Civil Court). On so receiving the Record and Proceedings of the above said Motor Accident Claim Petition, the Motor Accident Claims Tribunal, Ahmedabad (City Civil Court) shall register and dispose of the said Motor Accident Claim Petition according to law. Rule made absolute.

(J.R. Vora, J.)

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